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In re Application of
Cyrus Varan
Application No. 09/986,832
Filed: November 13, 2001
Attorney Docket No. 91350.106803

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 6, 2003, to revive the above-identified application. This is in response to the Small Entity filed October 6, 2003.

The petition under 37 CFR 1.137(b) is GRANTED.


The Small Entity status has been ACCORDED.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed January 7, 2003, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 8, 2003.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$665.00 extension of time submitted with the petition on October 6, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 305-9282.

The application file is being forwarded to Technology Center AU 3611.


Wan Laymon
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for Patent Examination Policy